United Nations A/HRC/37/NGO/179

General Assembly

Distr.: General
23 February 2018

English only

Human Rights Council
Thirty-seventh session
26 February-23 March 2018
Agenda item 10
Technical assistance and capacity-building

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[16 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-02801(E)

1802801

Please recycle

Yemen: Civilians still trapped in conflict Written statement to the 37th session of the UN Human Rights Council

Introduction

In September 2017, during its 36th session, the UN Human Rights Council passed a breakthrough resolution mandating a Group of Eminent Experts to investigate violations and abuses by all parties to the conflict in Yemen and, when possible, to identify those responsible for the violations. The resolution constitutes a first step towards justice for victims of human rights abuses and grave violations of international law, including war crimes. It also sends an unequivocal message to all parties to the conflict that their conduct will be scrutinized and that the abuses they commit will not go unpunished. Despite the importance of this resolution, Yemenis are still suffering at the hands of all parties to the conflict, which continue to disregard their obligations under international humanitarian and human rights law.

According to the UN High Commissioner for Human Rights, as of September 2017, the conflict in Yemen had resulted in at least 5,144 civilian deaths and 2,014,026 internally displaced persons.

Since September 2017, Amnesty International has documented violations of international human rights law and international humanitarian law by all parties to the conflict in Yemen. In Sana'a and Aden, the clashes between parties to the conflict have repeatedly put civilian lives at risk. Civilian lives have been devastated by indiscriminate bombing and shelling, arbitrary detentions, enforced disappearances and a spiralling humanitarian crisis that has made more than 22 million people reliant on aid to survive.

More can and must be done to spare civilians trapped in the conflict and end violations and abuses.

Saudi Arabia-led coalition

The Saudi Arabia-led coalition has continued to commit serious violations of international human rights law and humanitarian law with impunity. Coalition aircraft have bombed areas controlled or contested by Huthi forces and their allies, particularly in the Sana'a, Hajjah, Hodeidah and Sa'da governorates. Many of these attacks were indiscriminate, disproportionate or directed against civilians and civilian objects. In August 2017, an attack on a residential neighbourhood in southern Sana'a killed 16 civilians and injured 17 others; the majority of the dead and injured were children. Amnesty International was able to conclude that the bomb used in that instance was manufactured in the United States of America (USA). Since the beginning of the conflict in March 2015, the USA, United Kingdom of Great Britain and Northern Ireland (UK), France and other states have continued to allow the export or transfer of arms that have been used or risk being used to commit and facilitate serious violations in Yemen.

United Arab Emirates-backed Yemeni forces in Aden have perpetrated a campaign of arbitrary detention and enforced disappearances. Amnesty International has documented 13 cases of individuals arbitrarily detained by these forces during the last year; some of these detainees were held incommunicado or had been subjected to enforced disappearance.

At the same time, the Saudi Arabia-led coalition and the Yemeni government has prevented journalists and human rights organization from travelling to Yemen on UN flights, minimizing coverage of the conflict and effectively imposing a media blackout.

Armed Groups: Huthi and anti-huthi forces

The Huthi armed group and anti-Huthi forces, including army units loyal to former President Ali Abdullah Saleh, have continued to employ tactics that violate the prohibition of indiscriminate attacks. They have indiscriminately fired explosive munitions with wide-area effects, including mortars and artillery shells, into residential areas controlled or

contested by opposing forces, killing and injuring civilians. The city of Ta'iz has been particularly affected, experiencing intensive attacks most recently in January and February 2018. The Huthis and their allies also continued to lay internationally banned anti-personnel landmines that caused civilian casualties, and to recruit and deploy child soldiers.In Sana'a clashes between the Huthi armed group and pro-Saleh forces have repeatedly put civilian lives at risk.

In Sana'a and other areas they control, the Huthis and their allies have continued to arbitrarily arrest and detain individuals, subjecting scores to enforced disappearance and imposing the death sentence following grossly unfair trials. Those targeted include people whose only "crime" is exercising their right to freedom of expression, such as journalists, critics, and members of the minority Baha'i community. Five Baha'i men are currently arbitrarily detained, some of whom are detained on account of their conscientiously held beliefs and peaceful activities as a member of the Baha'i community. In January, Hamid Haydara, who belongs to Yemen's Baha'i community, was sentenced to death by the Huthi-aligned Specialized Criminal Court (SCC) in Sana'a for allegedly collaborating with Israel and forging official documents following a grossly unfair trial, including excessive pre-trial detention and torture and other ill-treatment. He has been tried on account of his conscientiously held beliefs and peaceful activities as a member of the Baha'i community. Also in January, three others, including a woman, were sentenced to death by SCC following an unfair trial for allegedly aiding an enemy country.

Worsening Humanitarian situation

Yemen is now enduring the world's largest humanitarian crisis, with at least 22.2 million people in need of humanitarian assistance and more than one million suspected cases of cholera. This crisis is man-made, with the war deepening and exacerbating the humanitarian situation, and all sides impeding the delivery of humanitarian aid.

After Huthi forces launched a missile unlawfully targeting civilian areas in Riyadh in late November, the Saudi Arabia-led coalition unlawfully tightened its sea and air blockade. Despite mitigating measures announced by the coalition such as the Yemen Comprehensive Humanitarian Operations plan, the coalition continues to impose restrictions on aid and commercial imports of essential goods, purportedly to enforce the UN-sanctioned arms embargo on the Huthis. These restrictions are deepening the humanitarian crisis caused by the conflict and contributing to violations of the right to health and to an adequate standard of living, including adequate food.
In such a context of lawlessness, impunity and abuse, there is an urgent need for accountability, beginning with independent, impartial and transparent investigations of alleged violations, and a process that will ensure that suspected perpetrators are brought to justice in fair trials and that victims and their families receive full and effective reparation. Therefore, it is imperative that the Group of Eminent Experts is given adequate resources and that it receives full co-operation from all parties to the conflict.

Consequently, Amnesty International calls on all parties to the conflict in Yemen to do the following:

- Fully co-operate with the Group of Eminent Experts as they look into alleged violations by all parties to the conflict in Yemen, establish the facts and identify perpetrators with a view to ensuring that those responsible are brought to justice.

- Fully comply with the relevant provisions of international humanitarian law in the planning and execution of any military operation. In particular, ensure that civilians and civilian objects are not targeted, and take necessary precautions to distinguish between civilians and fighters and between civilian objects and military objectives, and end indiscriminate and disproportionate attacks.

- Ensure that all humanitarian workers are granted freedom of movement, and ensure rapid and unimpeded delivery of impartial humanitarian relief for civilians in need, as well as commercial imports of essential goods.

- Ensure that prompt and full reparation is provided to victims and families of victims of unlawful attacks, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition.

- Immediately cease the use of all inherently indiscriminate or otherwise internationally banned weapons, including cluster munitions and anti-personnel landmines; and end the use of explosive weapons with wide-area effects, including artillery and mortars, in the vicinity of concentrations of civilians.

Amnesty International also calls on all countries supplying arms to any party to the conflict in Yemen to immediately suspend those arms transfers until there is no longer a substantial risk that the arms will be used to commit or facilitate serious violations of human rights or international humanitarian law. Arms transfers to any party to the Yemen conflict must include a strict, legally binding guarantee that the end use will be in line with international humanitarian and human rights law, and that such arms transfers will not be used in Yemen.